

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**WILLIE SIMPSON,**

Petitioner,

-vs-

**Case No. 15-C-931**

**WILLIAM POLLARD,**

Warden of Waupun Correctional Institution,

Respondent.

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**DECISION AND ORDER**

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This matter is before the Court on pro se Petitioner Willie Simpson's ("Simpson") petition for leave to proceed *in forma pauperis* ("IFP") and for preliminary review pursuant to Rule 4 of the Rules Governing § 2254 Cases in the District Courts. Simpson's petition and certified trust account statement establish that he is unable to pay the \$5 fee for filing his petition. The next questions are similar; whether Simpson states an arguable claim for relief and/or his petition is plainly without merit.

Simpson states that he is challenging Wis. Admin. Code § DOC 303.75 which states "in addition to enforcing this chapter, the department shall work with local law enforcement and the district attorney so that violations of criminal statutes may be investigated and appropriately referred for prosecution." Section DOC 303.01(1) explains "the rules governing inmate conduct under this chapter describe the conduct for which an inmate may be

disciplined and the procedures for the imposition of discipline.”

Simpson alleges that as applied to him on July 10, and 15, 2011, Wis. Admin. Code § DOC 303.75 was used to conclusively establish the elements of criminal offenses without making available to the petitioner any meaningful review of the administrative order in violation of his Fourteenth Amendment rights. At this stage of the proceedings, it does not plainly appear that Simpson is not entitled to relief. *See* R. 4 Governing § 2254 Cases Dist. Cts. Therefore, by October 21, 2015, Respondent William Pollard (“Pollard”) will be required to file an answer to the instant petition, which must contain the materials required by Rule 5 of the Rules Governing § 2254 Cases in the District Courts.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS  
HEREBY ORDERED THAT:**

Simpson’s petition for leave to proceed *in forma pauperis* (ECF No. 4) is  
**GRANTED.**

**On or before October 21, 2015,** Pollard **MUST FILE** an answer to the instant petition.

Dated at Milwaukee, Wisconsin, this 20th day of August, 2015.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**